

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

V.

MARTIN A. SUMICHRAST,

Defendant.

ORDER

THIS MATTER is before the Court on the parties’ Joint Notification of Settlement and Request for Stay or Nominal Dismissal Without Prejudice, (Doc. No. 53). The parties indicate they “have reached an agreement on settlement, the terms of which must be presented to the Commissioners of the Securities and Exchange Commission (the Commission), who will decide whether to accept the settlement offer.” (Doc. No. 53, pp. 1-2.) The parties seek a stay until approximately May 24, 2024, or—in the alternative—dismissal without prejudice to reopen the case should the Commissioner not approve the settlement. (Id.)

The trial date in this matter has been continued multiple times and is currently docketed to begin on May 6, 2024. (Doc. Nos. 50, 52.) Although it appears the parties will finalize the settlement process, the Court finds no sufficient basis under the current record to stay deadlines or dismiss without prejudice.

The Court DENIES the motion; however, the Court will *sua sponte* extend deadlines for pretrial filings. The parties' jointly-prepared proposed pretrial submissions, motions in limine, and trial briefs shall be filed no later than April 30, 2024, and any responsive briefs shall be filed

no later than May 2, 2024 which is as late as practicably possible given the trial setting in this matter.¹


Counsel is hereby advised they are expected to appear for: (1) docket call at 9:00 a.m. on May 6, 2024; and (2) a pretrial conference immediately following docket call. (See Doc. No. 52.) Of course, the parties can file their Stipulation of Dismissal any time, including prior to docket call, at which time the Court will remove this case from the trial calendar and terminate the deadlines set forth herein.

IT IS THEREFORE ORDERED that the Joint Motion, (Doc. No. 53), is DENIED.

IT IS FURTHER ORDERED that the parties' pretrial submissions, motions in limine, and trial briefs shall be filed no later than April 30, 2024, and any responsive briefs shall be filed no later than May 2, 2024.

IT IS SO ORDERED.

Signed: March 25, 2024


Frank D. Whitney
United States District Judge

¹ The Court notes, however, that the Case Management Order in this case provides:

Whenever a civil action scheduled for a jury trial is settled or otherwise disposed of in advance of the actual trial, the Court may assess all jurors' costs (including Marshal's fees, mileage reimbursement, and per diem fees) equally against the parties or otherwise may determine appropriate assessments, unless the Clerk's office is notified at least one (1) full business day prior to the date on which the action is scheduled for trial or the parties establish good cause why the Court should not assess jury costs against them.

(Doc. No. 13, pp. 13-14.) The stipulation of dismissal, if filed on May 3, 2024, must therefore be filed no later than 11:00 a.m. that day to give the Clerk of Court sufficient time during the business day to advise the jurors who have been summonsed that they need not appear for trial in this matter on May 6, 2024.